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FREIDOUN JALAYER

FEBRUARY 19 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 548]

The Committee on the Judiciary, to which was referred the bill (S. 548) for the relief of Freidoun Jalayer, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Freidoun Jalayer shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Freidoun Jalayer. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

This is the case of an alien who last entered the United States on April 29, 1946, as a student, pursuant to the provisions of section 4 (e) of the Immigration Act of 1924. The beneficiary failed to main-

tain the status of a student in accordance with the terms of his admission and for that reason became the subject of deportation proceedings. However, it appears that the beneficiary has been associated with the staff of the American Museum of Natural History in New York City in the capacity of an artist engaged in the reproduction of botanical specimens for the museum since 1946. It further appears that the beneficiary is an artist with unusual knowledge and talent in the field of botanical art and that his services are badly needed by the American Museum of Natural History.

A letter dated May 18, 1950, to the chairman of the Senate Committee on the Judiciary from the Assistant to the Attorney General with reference to S. 2347, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,
Washington, D. C., May 18, 1950.

HON. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in reply to your request for the views of the Department of Justice relative to the bill (S. 2347) for the relief of Freidoun Jalayer, an alien.

The bill would direct the Attorney General to cancel deportation proceedings in the case of Freidoun Jalayer of New York, N. Y., and it would provide that the alien shall not again be subject to deportation by reason of the same facts upon which the present proceedings were commenced. It would also provide that, in the administration of the immigration and naturalization laws, the alien shall be considered as having been lawfully admitted to the United States for permanent residence as of April 29, 1946, the date of his last entry, upon payment of the required head tax and visa fee. Finally, it would direct the Secretary of State to instruct the quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Iran.

The files of the Immigration and Naturalization Service of this Department disclose that Freidoun Jalayer was born in Tehran, Iran, on April 15, 1917, and is a citizen of that country of the Persian race. Coming to the United States from Iran, he last entered this country at the port of New York on April 29, 1946, when he was admitted as a student until September 5, 1946, pursuant to the provisions of section 4 (e) of the Immigration Act of 1924. On June 29, 1946, he applied for an extension of the period of his stay as a nonquota student, but his application was denied for the reason that he was not attending an approved school. A warrant for his arrest in deportation proceedings was issued on April 22, 1946, charging that he had unlawfully remained in the United States after failing to maintain the exempt status of a student in accordance with the terms of his admission. Further action under this warrant was deferred, however, pending consideration of the instant bill.

The files further disclose that at the time of his admission, the alien was destined to the American International College, Springfield, Mass. He stated, however, that he never attended that college, but instead remained in New York City and on July 29, 1946, became associated with the American Museum of Natural History. He is at present employed by the museum as an artist at a salary of \$3,190 per annum. He claimed that he was employed in a similar capacity by museums in Persia for 5 years prior to his departure for the United States.

According to statements of the officers of the American Museum of Natural History, the alien is an artist with unusual knowledge and talent in the field of botanical art and in the preparation and reproduction of botanical specimens for the museum. They further stated that he stands out among the few artists who do this rare type of work, and that it would be difficult to find a replacement for him.

The alien's wife, whose maiden name was Sarah Pakravan, accompanied him to the United States and was also admitted as a student under section 4 (e) of the Immigration Act of 1924. She stated on May 17, 1947, however, that she secured a divorce from Mr. Jalayer at the Iranian Embassy, New York City, in accord-

ance with the Iranian Moslem law. The validity of such divorce under the laws of the State of New York, however, appears to be somewhat in question. She thereupon ceased attending school, and secured employment at the Iranian Embassy in Washington, D. C. Thereafter, on November 14, 1949, according to the records of the Immigration and Naturalization Service, she departed permanently from the United States destined to the Iranian Embassy in Rome, Italy.

The alien stated that he has no relatives in the United States, that his father is deceased, and that his mother, a brother, and three sisters reside in Iran, and that one married sister lives in London, England. He asserted that he desires to remain in the United States because the museum had requested him to stay, and for the further reason that he wants to become a citizen of this country and that he hopes to be able to advance American art. The record fails to disclose any reliable information of an adverse nature with respect to him.

The quota of Iran, to which the alien is chargeable, is oversubscribed for many years and a quota immigration visa is not readily obtainable. The record in this case, however, does not appear to present facts sufficiently impelling to warrant the enactment of special legislation granting him a preference over the many other persons chargeable to the same quota, which is extremely limited under the law, who likewise desire to enter the United States for permanent residence, but who must wait abroad for the issuance of quota visas. Furthermore, in view of the fact that this alien secured admission to this country as a student with the apparent intention of not retaining that exempt status, enactment of this measure would tend to encourage other aliens to seek exemption from the general immigration laws in a like manner.

Accordingly, the Department of Justice is unable to recommend enactment of this bill.

Yours sincerely,

PEYTON FORD,

The Assistant to the Attorney General.

Senator Irving M. Ives, the author of the bill, submitted the following letter to the chairman of the Committee on the Judiciary, in reference to this case, which reads as follows:

THE AMERICAN MUSEUM OF NATURAL HISTORY,
New York 24, N. Y., December 30, 1949.

Re S. 2610—Jalayer, Freidoun.

Hon. IRVING M. IVES,
United States Senate, Washington, D. C.

DEAR SENATOR IVES: In response to the inquiry of the Standing Subcommittee on Immigration and Naturalization of the Senate Committee on the Judiciary concerning bill S. 2347 for my admission to the United States, I am hereby answering the five questions presented.

The first question asks for the circumstances surrounding my entry to the United States. I came here to do advanced study in the field of the fine arts. My father, formerly Finance Minister of Persia, was able to give me a good basic education as a boy in Persia, during the course of which I studied literature, languages and some science, and became proficient in Persian, English, and French and acquired a reading knowledge of Arabic. When I was 20 years old, my father sent me to study under the faculty of fine arts in Tehran for 2 years, and I determined to make the fine arts my life work. I then continued to study sculpture and painting in Paris in the Ecole A. B. C. de Dessin. Then I returned to Tehran and worked for 5 years with the Ethnological Museum in Tehran. While there, among other things, I modeled 48 life-size ethnological types of Persian people, and modeled artificial fruits, and was commissioned to paint frescoes and oil paintings. I would have come to the United States earlier to continue my art studies but the war made it impossible. Finally on April 29, 1946, I arrived at the port of New York on board the steamship *Vulcania* and was admitted under student visa. The original school I had expected to attend did not offer the kind of art studies that I wished. Through a friend I became acquainted with the American Museum of Natural History and began to work there as a student without compensation in July 1946, studying the methods of preparing exhibits used in America. The American Museum of Natural History offered me a position on the staff of the museum in September 1946 which I gladly accepted because it gave me an opportunity to study and develop new techniques in art presentation of museum exhibits and afforded me an opportunity to make an intensive study

in the field of botanical models and of the preparation and reproduction of botanical specimens of all kinds, especially flowers, plants and cross sections and microscopic enlargements.

The second question asks about my present activities. I have worked continuously and exclusively as a member of the staff of the American Museum of Natural History ever since I became a staff member in 1946. My work has chiefly been in the field of botanical art and in the preparation and reproduction of botanical specimens of all kinds, and at the present time I am engaged in planning and preparing specimens for the new halls of botany, forestry and landscape at the museum. The many new mediums available in this country, especially plastics, have given me the opportunity to further develop new methods and techniques for presentation. My work is described more fully in the museum's memorandum.

In response to the third question whether I am presently earning a living or dependent on other persons for support, I am happy to say that I am and have been able to support myself. As a member of the staff of the museum I am receiving a regular salary which is sufficient for my support and maintenance. The museum has expressed the desire and hope that I may be able to continue permanently with them in my present work, which gives me confidence and I shall continue to be self-supporting.

The fourth question asks if I am engaged in any activities, political or otherwise injurious to American public interests. My whole interest has always been in the field of art, and my activities have to do exclusively with my work at the American Museum of Natural History and in my hobby of music. I have never in my life been interested or involved in politics either here or abroad. I was raised in the democratic tradition and believe in the democratic form of government and in the American way of life. I belong to no organizations whatsoever, political or otherwise, except the camera hobby club at the American Museum of Natural History. I am certain that my activities would never be injurious to the American public interests.

In answer to your fifth question, I have never been convicted of any offense under any Federal or State law, nor have I ever been convicted of any offense elsewhere.

I trust that the foregoing information will cover the questions. May I thank you for your interest in my case.

Very truly yours,

FREIDOUN JALAYER.

The bill has been amended to conform with the policy of the committee in granting permanent residence in the United States to an alien as of the date of the adjustment rather than as of the date of last entry into the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 548), as amended, should be enacted.

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